

RECEIVED

MAR 6 1984

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SAMUEL C. MC MORRIS
269 Sequoyah View Dr.
Oakland, CA 94605
Tele: (415) 569-4761
Respondent in Propria Persona

J. 83-1446

SUPREME COURT OF THE UNITED STATES

In the Matter of Disbarment of
SAMUEL MC MORRIS

No. D-396

RESPONSE TO ORDER TO SHOW
CAUSE

In response to the Court's Order to Show Cause in re dis-
barment, dated January 23, 1984, respondent respectfully shows:

I

On February 1, 1984, respondent mailed to the above entitled
Court his Petition for Writ of Certiorari to the Supreme Court
of the State of California, in the matter of petitioner's dis-
barment by the said Court.

II

A copy of the said Petition for Writ of Certiorari is here-
with submitted and incorporated by reference with the same force
and effect as if here set forth in full, and it is respectfully
requested that this Court take judicial notice thereof.

III

To the facts and points of argument set forth in the said
Petition for Writ of Certiorari, which points of argument are
herewith summarized, respondent adds hereinbelow additional
facts and points of law, as follows:

1 IV

2 It must be remembered, first of all, that respondent has
3 practiced this profession for nearly thirty years, one in Ohio,
4 twenty-nine in California; and until December 8, 1977, had never
5 been disciplined in any manner.

6 V

7 In the orders to show cause which led to the decision and
8 order of disbarment, respondent was not notified that disbarment
9 would be a possible outcome of the proceedings; and, as stated
10 in the Petition for Certiorari, respondent expected the discipline
11 to be, at most, suspension, or probation.

12 VI

13 Respondent has appeared in federal district courts in San
14 Diego, Los Angeles, Sacramento, Oakland, and San Francisco; has
15 appeared on appeals many times before the Ninth Circuit, and
16 three times before the Supreme Court of the United States; and
17 has had no problems with his federal practice.

18 VII

19 Even in the state courts, in thirty years of practice, re-
20 spondant has had no problem, no complaint, no discipline in con-
21 nection with his criminal practice, which constitutes 90% of
22 respondent's practice; and respondent respectfully submits that
23 a lengthy probation, conditioned on his limitation to criminal
24 practice and to payment to any injured civil clients, would do
25 justice to the Constitution, the courts, the public, and to re-
26 spondent.

27 VIII

Respondent will be eligible to apply for readmission to the California bar after five years; and for good cause, the board may shorten the time to as little as two years; and it would be respondent's hope to apply in the said two years on the basis of respondent's character, record of contributions, and the unaggravated nature of the charges upon which respondent's disbarment was based.

DK

Respondent would hope, in the meantime, to remain in the federal practice, to make himself available for court appointment for indigents on trial and appeal, and to limit himself to criminal practice.

☒

Respondent's admission to the Bar of this Court was based on respondent's membership in the Ohio Bar as well as that of California; that respondent remains a member of the Ohio Bar.

XI

That because of the advanced age of respondent (sixty-four), respondent would like the option of returning to his Ohio practice, rather than wait out the period before readmission is possible; and, because of respondent's constitutional approach to the criminal law, hopes to be able to remain a member of the Bar of this Court so as to be able to appeal thereto in such possible Ohio practice.

Dated this 2d day of March, 1984.

SAMUEL C. MC MORRIS

POINTS AND AUTHORITIES

Disbarment or suspension in a state court does not ipso facto deprive an attorney of his right to appear in the federal courts. In re Ruffalo 390 US 544, 88 SCT 1222, 20 Led2d 117.

The federal courts must make their own determination of the right of the attorney to continue as a member of the federal bar, after giving consideration to the underlying record. In re Thies 662 F2d 771, 213 US App DC 256.

They may draw inferences from facts and circumstances which differ from those drawn by the states, emphasizing countervailing federal considerations. In re Abrams 521 F2d 1094.

The federal court should not order disbarment where there is a grave reason which convinces the federal court that to allow the natural consequences of disbarment by the state court to have their effect would conflict with the federal court's duty not to disbar, except on the conviction that, under principles of right and justice, it is constrained to do so. Theard v USA 354 US 278, 1 LE2d 1342, 77Sct 1274.

Disbarment of attorney from practice before District Court was discriminatorily severe. Association of the Bar of City of New York v Iasserman 271 F2d 784.

Petitioner had no notice that his employment of Orlando would be considered a disbarment offense until after both petitioner and Orlando had testified. In re Ruffalo 390 US 544.

A lawyer charged with misconduct in a disbarment proceeding is entitled to procedural due process, which includes fair notice of the charge. Id.


SAMUEL C. MC MORRIS

(VERIFICATION - 446 and 2015.5 C.C.P.)

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I, the undersigned, declare: I am the Respondent

in the above-entitled action; I have read the foregoing Response to Order to Show Cause

and know the contents thereof; and the same is true of my own knowledge, except as to the matters which are therein stated upon my information and belief, and as to those matters, I believe it to be true.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

THE March 2, 1984.

Date

Samuel C. McMorris
Signature of Declarant

SAMUEL C. MC MORRIS

Type or Print Full Name of Declarant and Title, if applicable

(PROOF OF SERVICE BY MAIL - 1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA, COUNTY OF _____

I am a resident of/employed in the aforesaid county, State of California; I am over the age of eighteen years ~~XXXXXX~~

~~XXXXXXXXXXXX~~ my business address/residence address is: _____

269 Sequoyah View Drive, Oakland, CA 94605

On March 2, 19 84, I served the foregoing Response to Order
to Show Cause

(set forth the exact date of the document served)

on California State Bar

in this action by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United

States mail at Main Post Office, Oakland 94615, California, addressed as follows:

CALIFORNIA STATE BAR
555 Franklin Street
San Francisco, CA 94102

I certify (or declare), under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

3-2-84

Date

Samuel C. McMorris
Signature of Declarant

SAMUEL C. MC MORRIS

Type or Print Full Name of Declarant

Subject: Daniel E. O'Connell
2560 Zinfandel Lane
Turlock, CA 95380

Resignation as a member of the State Bar of California accepted by the Supreme Court of California; effective December 30, 1983.

Subject: Roger L. Thomson
2141 El Camino Real, Suite K
Oceanside, CA 92054

Suspended on December 30, 1983, pending further order of the court.

Subject: David Farris Roddan
P.O. Box 444
Santa Rosa, CA 95402

Further to our correspondence dated April 9, 1982, suspended on January 3, 1984, pending further order of the court.

Subject: Samuel McMorris
269 Sequoyah View Drive 34776
Oakland, CA 94605

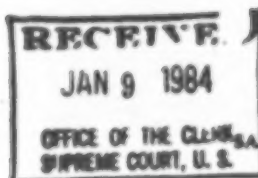
Disbarred from the practice of law in California by the Supreme Court of California; effective January 4, 1984.

The following persons were reinstated on the dates set forth below after suspension for nonpayment of State Bar membership fees:

<u>NAME</u>	<u>REINSTATEMENT DATE</u>
Eugene Carter Wheeler 195 N. Edison Way, Suite 18 Reno, NV 89502	December 7, 1983
Joel Bruce Newby 1360 Benton Street Santa Clara, CA 95050	December 13, 1983
Philip Clay Gill 908 Neal Drive Alexandria, VA 22308	December 16, 1983
Harold Wayne Green 4894 N. Gearhart Avenue Fresno, CA 93726	December 16, 1983
David/John Meadows 807 Montgomery Street San Francisco, CA 94133	December 16, 1983
Timothy Elgin Ainsworth 511 "Q" Street, #30 Sacramento, CA 95814	December 20, 1983
Anthony Kennedy Ellsworth 7400 Center Avenue, Suite 105 Huntington Beach, CA 92647	December 23, 1983



THE
STATE BAR
OF CALIFORNIA



555 FRANKLIN STREET
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE (415) 541-8200

January 6, 1984

This is to notify you that the Supreme Court of California has issued certain orders regarding attorneys listed below:

Subject: Arnold Schlesinger
9601 Wilshire Blvd, Suite 426
Beverly Hills, CA 90210

112246

On December 16, 1983, the Supreme Court ordered Mr. Schlesinger suspended dating from June 3, 1979, for five years and until he passes the Professional Responsibility Exam; suspension may expire June 4, 1984.

Subject: Jon Williard Crosley
1535 Ben Domond Drive
Glendale, CA 91202

Further to our correspondence dated August 29, 1980, suspended for four years commencing August 29, 1980; suspension expires August 29, 1984.

Subject: Harvey Guyton Van Dell III
P.O. Box 5666
Redwood City, CA 94063

Suspended on December 22, 1983, for three years and until he has made restitution; suspension may expire December 22, 1986.

Subject: Robert Earl Ranke
13613 Crewe Street
Van Nuys, CA 91405

lax

Further to our correspondence dated October 22, 1982, suspended on December 28, 1983, for six months; suspension expires June 28, 1984.

Subject: Philip James Effenbeck
55 Sutter Street, Suite 606
San Francisco, CA 94104

Suspended on December 30, 1983, pending final disposition of the proceeding.

Subject: Josephine Irving
525 B Street, Suite 2100
San Diego, CA 92101

Resignation as a member of the State Bar of California accepted by the Supreme Court of California; effective December 30, 1983.

Subject: Yvonne Renee Jones
822 East Compton Blvd.
Compton, CA 90221

Suspended on December 30, 1983, for thirty days; suspension expires January 30, 1984.

-over-



THE
STATE BAR
OF CALIFORNIA

RECEIVED

MAY 4 - 1981

OFFICE OF THE CLERK
SUPREME COURT, U.S.

335 FRANKLIN STREET
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE (415) 561-8200

-8368

May 1, 1981

This is to notify you that the Supreme Court of California has issued certain orders regarding attorneys listed below:

Subject: Brian James Corbell
3030 South Bundy Drive
Los Angeles, CA 90066

Reinstated on April 27, 1981, after suspension for nonpayment of State Bar membership fees.

Subject: Samuel McMorris
269 Sequoyah View Drive
Oakland, CA 94605

Suspended on April 27, 1981, for 180 days; suspension expires October 23, 1981. *date of b - same place same*

Subject: Dewey Patrick Humber
4908 Crenshaw Boulevard
Los Angeles, CA 90043

Suspended on May 1, 1981, until further order of the court.

Subject: Raoul Jorge Severo
Severo & Severo
3660 Wilshire Blvd., Suite 844
Los Angeles, CA 90010

Suspended on May 1, 1981, until further order of the court.

Subject: Charles Landry Fielding
1560 Republic Street
San Diego, CA 92114

Further to our correspondence dated November 18, 1977, period of actual suspension expired April 30, 1981. *57266*

Very truly yours,

Jeanine K. Cardinelli
Jeanine K. Cardinelli
Membership Records
Supervisor

JKC/pd



THE
STATE BAR
OF CALIFORNIA

RECEIVED

APR - 6 1981

OFFICE OF THE CLERK
SUPREME COURT, U.S.

555 FRANKLIN STREET
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE (415) 561-8200

April 3, 1981

This is to notify you that the Supreme Court of California has issued certain orders regarding attorneys listed below:

Subject: ~~Rollie Martin Pennington~~
42 West Acacia Avenue
Stockton, CA 95202

Suspended on March 18, 1981, for three years; suspension expires March 18, 1984.

Subject: Samuel McMorris
269 Sequoyah View Drive
Oakland, CA 94605

Suspended on March 30, 1981, for 180 days; suspension expires September 25, 1981. 34776

Subject: Benjamin N. Wyatt, Jr.
3701 Wilshire Blvd., 7th Floor
Los Angeles, CA 90010

Suspended on April 1, 1981, for three months; suspension expires July 1, 1981.

Subject: James E. Kendrick
Suite 401
229 N. Central Avenue
Glendale, CA 91203

Reinstated on March 30, 1981, after suspension for nonpayment of State Bar membership fees.

Subject: Michael E.C. Moss
4100 Mid-Continental Plaza
55 East Monroe Street
Chicago, IL 60603

Reinstated on March 31, 1981, after suspension for nonpayment of State Bar membership fees.

Very truly yours,

Jeanine K. Cardinelli
Jeanine K. Cardinelli
Membership Records
Supervisor

JKC/pd



THE
STATE BAR
OF CALIFORNIA

555 FRANKLIN STREET
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE (415) 541-8200

April 17, 1981

This is to notify you that the Supreme Court of California has issued certain orders regarding attorneys listed below:

Subject: Mark Townley Horlings
c/o Kim & Chang
K.P.O. 732
Seoul, Korea

Reinstated on April 10, 1981, after suspension for nonpayment of State Bar membership fees.

Subject: Walter Edgar Trefts, Jr.
2450 Vallejo Street
San Francisco, CA 94123

Reinstated on April 13, 1981, after suspension for nonpayment of State Bar membership fees.

Subject: Julian Gresser
University of Hawaii School of Law
1400 Lower Campus Road
Honolulu, HI 96822

Reinstated on April 14, 1981, after suspension for nonpayment of State Bar membership fees.

Subject: Richard John Hoss
4296 Walkie Way
Palo Alto, CA 94306

Reinstated on April 15, 1981, after suspension for nonpayment of State Bar membership fees.

Subject: Larry A. Cohen
2860 Sheldon Road
Louisville, KY 40218

Suspended on April 17, 1981 for 12 months; suspension may expire April 17, 1982.

Subject: Richard Green Mudge
24301 Paseo de Valencia, #1
Laguna Hills, CA 92653

Suspended on April 17, 1981, pending further order of the court.

Subject: McDonald J. Jackson
5820 Wilshire Blvd., Suite 204
Los Angeles, CA 90036

Suspended on April 13, 1981, pending further order of the court.

Subject; Samuel McMorris
269 Sequoyah View Drive
Oakland, CA 94605

34776

Further to our correspondence dated April 3, 1981, Supreme Court modified its order to stay the suspension ordered therein until April 27, 1981; suspension expires October 23, 1981.

Jeanine K. Cardinelli
Jeanine K. Cardinelli
Supervisor, Membership Records

THE STATE BAR OF CALIFORNIA



555 FRANKLIN STREET
SAN FRANCISCO 94102
TELEPHONE 361-8200
AREA CODE 415

RECEIVED

JUN - 5 1979

OFFICE OF THE CLERK
SUPREME COURT, U.S.

June 1, 1979

This is to notify you that the Supreme Court of California has issued certain orders regarding attorneys listed below:

Subject: John Brunhart
343 West "C" Street
San Diego, CA 92101

Reinstated on May 30, 1979, after suspension for nonpayment of State Bar membership fees.

Subject: Boris Joseph Baranowski
18952 MacArthur Blvd., #410
Irvine, CA 92715

Suspended on May 31, 1979, for a period of six months; suspension expires December 1, 1979.

34776 Subject: Samuel McMorris
10901 MacArthur Blvd., #11
Oakland, CA 94605

In further reference to our correspondence dated January 26, 1979, Supreme Court vacated its order of suspension on May 17, 1979.

8457 Subject: Ronald L. Goldman
505A Hill Street
Capitola, CA 95010

In further reference to our correspondence dated January 5, 1979, Mr. Goldman's suspension expired on May 11, 1979.

Very truly yours,

Patricia Huffaker
Patricia Huffaker
Membership Records

PH/jh

THE STATE BAR OF CALIFORNIA



555 FRANKLIN STREET
SAN FRANCISCO 94102
TELEPHONE 561-8200
AREA CODE 415

RECEIVED

OCT 30 1978

OFFICE OF THE CLERK
SUPREME COURT, U.S.

October 27, 1978

This is to notify you that the Supreme Court of California has issued certain orders regarding attorneys listed below:

Subject: Earl Lewis Baker
1836 30th Street
San Diego, CA 92102

Reinstated on October 20, 1978, after suspension for non-payment of State Bar membership fees.

Subject: Howard Charles McArdle, Jr.
Whizin's Arcade
28914 Roadside Drive
Agoura, CA 91301

Reinstated on October 2, 1978, after suspension for non-payment of State Bar membership fees.

Subject: Crystal Burgess Marmon
432 Northaven Drive
Daly City, CA 94015

Suspended on October 24, 1978, pending further order of the court.

34776 Subject: Samuel McMorris
10901 MacArthur Blvd., Suite 11
Oakland, CA 94605

Suspended on October 21, 1978, for a period of ninety days; suspension expires January 18, 1979.

Very truly yours,

Patricia Huffaker
Patricia Huffaker
Membership Records

PH/jh